

DATE: December 3, 1998

CASE NO. 1996-SCA-0019

In the Matter of:

STELLMAN, INC., a corporation, and
JAMES J. GENTILE, an individual,
Respondents

APPEARANCES:

Allen W. Dub, Esq.
For the Respondents

Leonard A. Grossman, Esq.
For the Plaintiff
U.S. Department of Labor

Before: ROBERT L. HILLYARD
Administrative Law Judge

DECISION AND ORDER APPROVING SETTLEMENT

This case arises under the McNamara-O'Hara Service Contract Act of 1965, as amended (the Act), 41 U.S.C. § 351, et seq., and the regulations at 29 C.F.R. Parts 4 and 6.

A hearing in this case was scheduled to commence on November 17, 1998 in Chicago, Illinois. Prior to the hearing, counsel for the parties advised that they had reached a settlement which would dispose of all outstanding issues and the scheduled hearing was canceled. On November 30, 1998, the parties presented for approval a written agreement entitled Consent Findings. The agreement has been signed by all parties and has been submitted for consideration and final order without presentation of the evidence. I have reviewed the agreement, which is incorporated herein by reference and made a part hereof, and in so doing approve the settlement agreement.

The settlement is intended by the Plaintiff and the Respondents to be a complete and final resolution of this matter. In entering into the agreement the parties agree to dispose of all issues raised during the investigation which is the subject of these proceedings. The Respondents agree that as a result of the violations set forth in paragraphs IV and V of the Consent Findings, a total of \$50,000.00 in back wages and fringe benefits is due and owing and shall be paid to the persons and in the amounts contained on Exhibit A, attached to the Consent Findings. Payment of the

delinquency is to be made as provided in paragraph VIII of the Consent Findings. The parties agree that the Respondents and any firm, corporation, partnership, or association in which they have a substantial interest are subject to the debarment procedure of the Act and that no unusual circumstances exist which would warrant relieving the Respondents from the ineligibility provisions of the Act and that no affirmative action shall be taken to relieve the Respondents from the list.

The parties further agree that any order entered as a result of the settlement agreement shall have the same force and effect as an order made after full hearing, that the entire record on which any Order may be based shall consist solely of the respective complaints in the separate matters consolidated herein and these consent findings. The parties waive all further procedural steps before the Administrative Law Judge and the Administrative Review Board and any right to challenge or contest the validity of any order entered in accordance with the Consent Findings is hereby waived. Finally, the Plaintiff and the Respondents agree that each party shall bear its own costs and expenses incurred in any stage of these proceedings.

In accordance with the agreement of the parties, it is hereby,

ORDERED that the Consent Findings are approved and this case is **DISMISSED WITH PREJUDICE**.

Robert L. Hillyard
Administrative Law Judge